

**5596. Adulteration and misbranding of soy milk. U. S. v. 16 Cases of Soy Milk. Default decree of condemnation and destruction. (F. D. C. No. 9834. Sample No. 44704-F.)**

This product was represented on its label as containing 0.5 gram of calcium, 0.5 gram of phosphorus, and 7.5 milligrams of iron per pint. Examination of a sample showed that it contained not more than 0.24 gram of calcium, 0.21 gram of phosphorus, and 3.78 milligrams of iron per pint.

On April 22, 1943, the United States attorney for the Southern District of New York filed a libel against 16 cases, each containing 12 1-pint cans, of Battle Creek Soy Milk, alleging that the article had been shipped in interstate commerce on or about March 5, 1943, by the Battle Creek Food Company from Battle Creek, Mich.; and charging that it was adulterated and misbranded. The article was labeled in part: "Ingredients: Water, Soy Beans, Tri-Calcium Phosphate, Hydrogenated Soy Oil, Lactose, Iodized Salt, Saccharated Iron (ferric oxide), Carotene, Ascorbic Acid, Riboflavin, Vitamin D (activated ergosterol in oil), Vitamin B<sub>1</sub> (Thiamin Hydrochloride)."

The article was alleged to be adulterated in that valuable constituents, calcium, phosphorus, and iron, had been in whole or in part omitted or abstracted.

It was alleged to be misbranded in that the statements "An 8 ounce glass (½ pint) Battle Creek Soy Milk furnishes the following percentages of the minimum daily requirements: \* \* \* Iron (Fe) for an adult 33½% Iron (Fe) for a child 1-6 50% Iron (Fe) for pregnancy and lactation 25% Calcium (Ca) and Phosphorus (P) for any person 33⅓% Calcium (Ca) and Phosphorus (P) for pregnancy and lactation 16⅔%," were false and misleading as applied to a product that did not furnish, in each eight ounce glass (½ pint), the percentage amounts of the minimum daily requirements of iron, calcium, and phosphorus stated; and in that the name "Soy Milk" was false and misleading when applied to a product which consisted of water, soy beans, tri-calcium phosphate, and the other ingredients specified on the label.

On June 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5597. Misbranding of Williams anti-gray hair vitamin. U. S. v. 11 Dozen Pint Bottles and 39½ Dozen 3-Ounce Bottles of Williams Anti-Gray Hair Vitamin. Default decree of destruction. (F. D. C. No. 8620. Sample No. 7855-F.)**

Examination showed that this product contained approximately 80 milligrams of calcium pantothenate per fluid ounce.

On October 22, 1942, the United States attorney for the District of Minnesota filed a libel against 11 dozen pint bottles and 39½ dozen 3-ounce bottles of Williams anti-gray hair vitamin at various drug stores in St. Paul and Minneapolis, Minn., alleging that the article, which had been consigned by the Williams S. L. K. Laboratories, had been shipped in interstate commerce on or about August 24 and September 1 and 21, 1942, from Milwaukee, Wis.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it was effective in restoring the natural color to gray hair, and that there was scientific evidence that it was effective for such purposes in a substantial majority of the cases in which it was used, were false and misleading since the article was not so effective and there was no scientific evidence which demonstrated that it was effective for such purpose.

On December 10, 1942, no claimant having appeared, judgment was entered ordering the destruction of the product.

**5598. Misbranding of Alberty vitamin-mineral capsules. U. S. v. 34 Packages of Alberty Vitamin-Mineral Capsules. Decree of condemnation and destruction. (F. D. C. No. 8427. Sample No. 22906-F.)**

This product contained two different-colored capsules, one designated as "Dark" and one designated as "Tan." The dark capsules were represented as containing specified amounts of vitamins A, B<sub>1</sub>, G, C, D and E, and the tan capsules were represented to contain specified amounts of various minerals.

On September 28, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 34 packages, each containing 150 Alberty vitamin-mineral capsules, at Philadelphia, Pa., alleging that the article had been shipped on or about April 7, 1942, from Hollywood, Calif., by Alberty Food Products; and charging that it was misbranded in that the statements appearing in its labeling representing that the dark capsules contained vitamins and that the tan capsules contained minerals were false and misleading, since the dark capsules did not contain vitamins but contained minerals and the tan capsules did not contain minerals but did contain vitamins.

On October 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5599. Misbranding of Sea Tabs. U. S. v. 42 Bottles, 41 Bottles, and 31 Bottles of Sea Tabs. Default decree of condemnation and destruction. (F. D. C. No. 10248. Sample Nos. 19223-F, 19224-F.)**

On July 14, 1943, the United States attorney for the District of Massachusetts filed a libel against 42 bottles, each containing 150 tablets, 41 bottles, each containing 300 tablets, and 31 bottles, each containing 1,000 tablets, of Sea Tabs at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 3 and April 9, 1943, by the Natural Health Products Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Sea Tabs Brand of Kelp \* \* \* Rich in Organic Iodine."

It was alleged to be misbranded in that certain statements and designs appearing in the labeling, the circular entitled "The Ocean Yields its Richest Treasure," accompanying the article, were false and misleading since they represented and suggested that the article would be effective in restoring health, increasing strength, overcoming weakness, nervousness, and sickness, and would be of value in supplying minerals of significant nutritional values, whereas the article would not be effective for such purposes, nor would it supply nutritionally significant quantities of minerals with the exception of iodine. It was alleged to be misbranded further in that it purported to be and was represented as a food for special dietary uses by reason of its iodine, iron, magnesium, manganese and copper content, and its label failed to bear such information concerning its mineral properties as has been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label did not bear a statement of the proportion of the minimum daily requirements of iron and iodine and the quantity of magnesium, manganese and copper furnished by a specified quantity of the product when consumed as directed during a period of 1 day.

On September 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5600. Misbranding of Pro-Ten Meat Extender. U. S. v. 249 Cases of Pro-Ten Meat Extender. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8864. Sample No. 7065-F.)**

This product contained ground soy beans, rolled oats, and celery seed, and had a protein content of approximately 33 percent.

On November 16, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 249 cases of Pro-Ten Meat Extender at St. Louis, Mo., alleging that the article had been shipped in interstate commerce by the Thomson & Taylor Division of The Warfield Co. from Chicago, Ill., on or about November 3, 1942; and charging that it was misbranded.

It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article was the nutritive equivalent of meat and, when used as directed, would save meat without sacrificing any of the nutritive values customarily furnished to the diet by meat; that it had, in the comparisons made in the labeling with certain meats, an equal or greater nutritive value than certain meats with which it was compared, and that it would insure strength and body growth, better sight, resistance to colds, longevity, sound nerves, good digestion, proper functioning heart, healthy skin, strong teeth and bones, and would prevent tiredness and loss of appetite, were misleading since the article was not the nutritive equivalent of meat and, when used as directed, would not save meat without sacrificing any of the nutritive values customarily furnished to the diet by meat; the article, in the comparisons made, had not an equal or greater nutritive value than meat since the comparisons were made on a moisture-free basis for the article and failed to take into account the fact that it was necessary to add water to the article in preparation, and that meats furnish desirable fats to the diet which were not supplied by the article; and it would not insure or accomplish the results stated or implied, but was merely a mixture of common foods. It was alleged to be misbranded further in that it purported to be and was represented as a food for special dietary use, and its label failed to bear such information concerning its vitamin and mineral properties as had been determined to be and by regulations promulgated as, necessary fully to inform purchasers as to its value for such uses.

On November 27, 1942, The Warfield Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled to comply with the law under the supervision of the Food and Drug Administration.